

**United States Department of Agriculture
Animal and Plant Health Inspection Service
Questions and Answers
Implementation of the BSE Minimal-Risk Regions Rule
February 22, 2005**

On Jan. 4, 2005, after a careful and thorough science-based risk assessment and a comprehensive rulemaking process, the U.S. Department of Agriculture (USDA) published a final rule amending its regulations to provide for the importation of certain ruminants, ruminant products and byproducts from regions that pose a minimal risk of introducing bovine spongiform encephalopathy (BSE) into the United States. The rule establishes criteria for regions to be recognized as presenting minimal risk of introducing BSE into the United States. This rule ensures the continued protection of American agriculture, as well as the U.S. food and feed supply from BSE, while removing unnecessary prohibitions on the importation of certain commodities from minimal-risk regions.

A minimal-risk region could include:

- A region in which BSE-infected animals have been diagnosed, but sufficient regulatory measures have been put in place that would make the introduction of BSE into the United States unlikely; or
- A region that has taken effective regulatory measures to prevent BSE and has never detected the disease, but cannot be considered BSE free.

By establishing criteria for minimal-risk regions, the United States has taken a leadership role in fostering trade of low-risk products with countries that have a low incidence of BSE and historically strong risk mitigation measures. Such a move is

consistent with the World Organization for Animal Health (OIE) recommendations for the trade in animals and animal products from BSE-affected countries.

In addition to defining the standards for minimal-risk regions, this rule places Canada in the minimal-risk category and defines the requirements that must be met to allow the import of certain ruminants and ruminant products from Canada. The implementation date for this rule is March 7, 2005. However, the effective date for the final rule's provisions concerning the importation of meat and other products derived from cattle over 30 months of age has been delayed.

Q: Did USDA consider Canada's cases of BSE as it went forward with this rule?

A: Yes. In preparing the extensive risk analysis conducted as part of the BSE minimal-risk rule, USDA took Canada's previous cases of BSE into consideration as well as the possibility that additional cases could be discovered. Canada's recent cases represent a limited exposure to the disease that occurred years ago and that has not continued to circulate or amplify.

The risk of BSE being introduced and spread through cattle imported under the provisions of this rule is absolutely minimal. The risk analysis conducted demonstrates that Canada has taken appropriate risk mitigation measures and that the possible prevalence of BSE circulating in Canada is extremely low. The risk of introduction is further lessened by the specific import restrictions imposed on animals and animal products imported under this rule. In addition to these measures, there are measures in place in the United States, such as the ruminant-to-ruminant feed ban, that prevent the

disease from spreading into the U.S. domestic cattle population in the highly unlikely even that it is introduced.

Q: Why did USDA delay implementation of a portion of the rule?

A: On February 9, 2005, Secretary of Agriculture Mike Johanns announced that USDA is delaying the effective date of the portion of the rule's provisions concerning the importation of meat and other products derived from cattle over 30 months of age while the Department continues its investigation into the recent finds of BSE in Canada in animals over 30 months.

USDA's action also addresses concerns over the portion of the minimal-risk rule that would reopen the Canadian border for beef from animals 30 months of age and over, while keeping it closed for imports of older live cattle for processing in the United States.

At the same time, U.S. officials are moving forward in considering the development of a plan allow imports of animals 30 months and older for slaughter as well as beef from over-30-month animals as the next step in resuming full trade with Canada. As always, decisions will be made based on the latest scientific information and with the protection of public and animal health the highest priority.

Q: What ruminants and ruminant products are now eligible for import into the United States from Canada?

A: On March 7, 2005, the following commodities will be eligible for import from Canada without a permit under prescribed conditions:

- Live sheep and goats under 12 months of age for feeding and slaughter only;
- Live cattle and bison under 30 months of age for feeding and slaughter only;
- Live cervids, including deer, elk, moose, and caribou. There are no BSE restrictions on cervids from Canada;
- Live camelids, including alpacas and llamas. There are no BSE restrictions on camelids from Canada;
- Bovine meat, meat byproducts, and meat food products as defined by USDA's Food Safety and Inspection Services' (FSIS) regulation in 9CFR 301.2. This can include, but is not limited to, head/cheek meat, tongue meat, heart meat, along with further processed meat, such as cooked or cured meat, hot dogs, sausages, pepperoni, hamburger, bone-in beef, and boneless beef from animals under 30 months of age;
- Whole or half bovine carcasses from animals under 30 months of age with the specified risk materials (SRMs) removed;
- Sheep and goat meat, meat byproducts, and meat food products from animals under 12 months of age as defined by FSIS' regulation 9 CFR 301.2;
- Sheep and goat carcasses from animals under 12 months of age;
- Hunter-harvested meat or dressed (eviscerated and head removed) carcasses of wild sheep, goats, or other ruminants other than from cervids for personal use with a hunting license, tag, or equivalent;

- Bone-derived gelatin with the SRMs removed;
- Tallow containing less than .15 percent insoluble impurities;
- Sheep casings from sheep under 12 months of age;
- Bovine inedible offal from animals under 30 months of age;
- Sheep and goat offal from animals less than 12 months of age;
- Cervid offal.

Breeding cattle, bison, sheep, and goats cannot be imported into the United States from Canada. Beef, lamb, and goat meat for personal use is prohibited as well, along with pet food in passenger baggage and groceries.

For additional information on the requirements for importers who wish to import eligible Canadian animals, meat, and meat products, please see the series of “Dear Importer” letters on USDA’s Animal and Plant Health Service’s (APHIS) web site, www.aphis.usda.gov.

Q: Do any ruminant products from Canada still require an import permit to enter the United States?

A: Yes, certain ruminant products still require an APHIS import permit. These include:

- Ruminant products transiting the United States that meet all USDA import requirements;
- Pet food and animal feed that contain ruminant products of non-Canadian origin;

- Non-ruminant animal products processed in facilities that do not receive, store, or process ruminant products;
- Ruminant hide derived gelatin limited to human or industrial use.

Q: What pre-import safeguards does USDA have in place in Canada to ensure that ineligible live animals are not shipped to the United States?

A: In order to ensure that only eligible animals are shipped to the United States, USDA has been working very closely with Canadian officials to develop pre-import safeguards.

These safeguards include the following:

- Each eligible animal must be individually identified by an official Canadian eartag, applied before the animal arrives at the port of entry;
- Canadian officials will provide an official health certificate that verifies the following information for each shipment of animals:
 - Name and address of the importer;
 - Species, breed, and number of bovine, sheep, or goats to be imported;
 - Purpose of importation;
 - Individual identification for each animal, which includes eartag number, and any other identification present on the animal, including registration number (if any);
 - Description of the bovine, sheep, or goats, including name, age in months, color, and markings (if any);

- Region/country of origin;
- Address or other means of identifying the premises of origin and any other premises where the bovines, sheep, or goats resided immediately prior to export;
- Specific address of slaughter establishment, including FSIS establishment number, for animals going to slaughter;
- Physical location of feedlot for animals that are to be moved to a feedlot after importation;
- Name and address of exporter;
- Port of embarkation in Canada, the mode of transportation, route of travel, and port of entry in the United States; and
- Identification numbers of the Canadian seals that have been applied to each vehicle in the shipment.

There are additional pre-shipment requirements for shipments of live animals, depending on whether or not the animal is for feeding or for immediate slaughter. Please refer to the importer memos on the APHIS web site www.aphis.usda.gov.

Q: How do I export eligible live animals to the United States from Canada?

A: The exporter must contact the Canadian Food Inspection Agency (CFIA) or an accredited veterinarian once they have made the decision to export eligible live animals to the United States. The veterinarian will visit the exporter to examine the animals, ensuring that they meet all of the criteria for export to the United States.

The veterinarian must examine birth records or dentition of the animals to state that they are under 30 months of age and must verify that the animals have been subject to a ruminant-to-ruminant feed ban. The veterinarian will also ensure that the animals have been branded, as required and will check the identification tag, noting the identification information on the export certificate. The veterinarian must sign the export certificate, which also must be endorsed by CFIA.

After the animals have been fully examined by an accredited veterinarian, they can be loaded onto the truck, which must be sealed with a government seal.

Q: Which ports of entry are approved for eligible live animals?

A: The border stations approved to accept live Canadian animals include Eastport, ID; Houlton and Jackman, ME; Detroit, Port Huron, and Sault Ste. Marie, MI; Baudette, MN; Opheim, Raymond, and Sweetgrass, MT; Alexandria Bay, Buffalo, and Champlain, NY; Dunseith, Pembina, and Portal, ND; Derby Line and Highgate Springs, VT; and Oroville and Sumas, WA.

For additional information on these ports of entry and their hours of operation, please refer to the importer memos on the APHIS web site www.aphis.usda.gov.

Q: Which ports of entry are available for ruminant products?

Those ports of entry that accept live ruminants, along with additional ports, will be available for shipments of ruminant products. Please visit the “Dear Importer” letter on the APHIS web site (www.aphis.usda.gov) for these ports of entry and their hours of operation, along with a listing of FSIS reinspection establishments.

Q: Will shipments of eligible live animals be inspected at the ports of entry?

A: At each border station, the shipments will first encounter inspectors from the U.S. Department of Homeland Security's Custom and Border Inspection (CBP). The CBP officer will check each truck for the proper seals, stamp the health certificate, and refer the shipment to APHIS' Veterinary Services' port veterinarian. The port veterinarian will review all the paperwork and determine if the shipment can be verified without unloading the truck. If the veterinarian determines that the animals must be offloaded, the government seal would be broken and the shipment would have to be resealed after inspection, with new, official CBP seals that must match the seal numbers listed on the health certificate. The cattle will then move directly to the feedlot or slaughterhouse.

Q: What happens when the owner of the feedlot decides to ship the cattle to the slaughter facility?

A: When the owner of the feedlot decides to ship the cattle to slaughter, an accredited veterinarian must once again examine the cattle. The veterinarian will then provide the appropriate paperwork that is necessary for slaughter. The cattle will be transported to slaughter, where the paperwork will be verified again by USDA to ensure slaughter requirements are met.

Q: What if ineligible animals or animal products are found at U.S. ports of entry?

A: In the event of such an incident, USDA procedure, which was developed in coordination with Canadian officials, is to return the entire shipment of animals or the ineligible ruminant products back to the sender. USDA does not maintain animal-holding facilities at the ports.

Q: Where can I get more information?

A: APHIS is committed to ensuring all interested parties have the information they need to import eligible live animals and products into the United States. All requirements for importation of animals and products that will be eligible for importation under the rule, as well as certifications and instructions for brokers, importers, and other interested stakeholders will appear on the APHIS Web site on February 22, 2005. This information will be posted at <http://www.aphis.usda.gov>. Click on “Hot Issues” and then click on “Bovine Spongiform Encephalopathy.”

Along with other general information, the Web site will include a series of “Dear Importer” letters that outline the requirements for importers who wish to import eligible Canadian animals, meat, and meat products. Additionally, APHIS will have personnel available to answer stakeholder questions regarding the importation of ruminants and ruminant products from Canada. A team of product and animal importation specialists will be handling all questions. Please call the Canada import hotline, toll-free, at 1-866-644-1483. This line will be staffed by APHIS trade specialists Monday through Friday, 8:00 a.m. to 5:00 p.m. eastern standard time. This resource will be available to the public beginning February 22, 2005, and continuing as necessary through the initial implementation stage.

